

SECOND DIVISION

[G.R. No. 186366, July 03, 2013]

HEIRS OF JOSE FERNANDO, PETITIONERS, VS. REYNALDO DE BELEN, RESPONDENT.

D E C I S I O N

PEREZ, J.:

This Petition for Review on *Certiorari* under Rule 45 of the Rules of Court seeks the reversal of the 11 February 2009 Decision^[1] of the Court of Appeals in CA-G.R. CV No. 87588, setting aside the 28 October 2005 Decision^[2] of the Regional Trial Court (RTC), Branch 10 of Malolos City, Bulacan, which rendered a favorable finding for the petitioners in a complaint for recovery of possession docketed as Civil Case No. 180-M-98.

The Facts

This case emanated from a complaint for *Recovery of Possession*^[3] filed on 6 March 1998 by the petitioners against Reynaldo De Belen, herein respondent, before the RTC, Branch 10 of Malolos, Bulacan, involving a parcel of land covered by Original Certificate of Title (OCT) No. RO-487 (997) registered in the name of the late Jose, married to Lucila Tinio and Apolonia Fernando, wife of Felipe Galvez, consisting of 124,994 square meters, more or less, which is situated in Baliuag, Bulacan.

In the said complaint, it was alleged that petitioners are the children of the late Jose and they are in the process of partitioning their inheritance. However, they could not properly accomplish the partition due to the presence of the respondent who intruded into a portion of their property and conducted quarrying operations in its immediate vicinity for so many years, without their knowledge and permission.^[4]

Petitioners, therefore, wrote a letter^[5] dated 8 April 1997 to the respondent which was unheeded; thus, a *barangay* conciliation was resorted to. For failure of the respondent to appear, a Certification^[6] was issued by the Barangay Lupon that led to the filing of the complaint before the RTC of Malolos, Bulacan docketed as Civil Case No. 180-M-98 to assert and defend their right over the subject property and for the respondent to vacate the premises and pay rental arrearages in the amount of P24,000.00, attorney's fees of P10,000.00 and exemplary damages of P20,000.00

Instead of filing an Answer, respondent Reynaldo De Belen filed a Motion to Dismiss^[7] dated 22 June 1998, setting forth the following grounds: (1) lack of jurisdiction; (2) lack of cause of action; (3) ambiguity as to the portion of the lot De Belen occupies; and, (4) incomplete statement of material facts, the complaint having failed to state the identity, location and area of the lot sought to be recovered.

The petitioners filed their Opposition^[8] on 17 July 1998, averring that the complaint states a cause of action and respondent need not be confused because the estate under OCT No. RO-487 (997) is actually known as Psu-39080 with an area of 124,994 square meters divided into Lot 1 (80,760 square meters), Lot 2 (22,000 square meters), and Lot 3 (21,521 square meters). Likewise, petitioners also stated that their father, Jose and the latter's sister, Antonia A. Fernando, were co-owners *pro-indiviso* of the subject property and that as indicated in their demand letter, they represent the heirs of Jose and Antonia A. Fernando, both deceased many years ago. Although, a matter of proof to be presented in the course of the trial, petitioners nonetheless advanced that Antonia Fernando predeceased her brother Jose and she died without issue; thus, her undivided share was consolidated with that of her brother.

Finding lack of merit, the motion was denied in an Order^[9] dated 3 November 1998, with the trial court ordering herein petitioners to amend the complaint by indicating the details desired by the respondent in order for the latter to file a responsive pleading.

On 12 February 1999, the Amended Complaint^[10] with its attachment was filed to which the respondent moved for a Bill of Particulars,^[11] specifically questioning the legal basis for the complaint since the entire property appears to be co-owned by Jose and Antonia Fernando and it was not particularized in the complaint as to what specific portion belongs to each of the co-owners.

In addition, the respondent, in his *Answer*,^[12] claimed that even the Bill of Particulars^[13] did not clearly show the exact identity, personal circumstances and relationship of the individual heirs of the decedent, location, area and size of the subject property. Also, prescription, estoppel and laches had set in as against the petitioners.

The respondent further argued that the Amended Complaint was prematurely filed due to the fact that the Certification to File Action was issued in violation of the prescribed procedure. The respondent likewise insisted on his right of possession over the subject property as evidenced by the successive transfer from Felipe Galvez to Carmen Galvez on 11 March 1955; from Carmen Galvez to Florentino San Luis to Reynaldo De Belen on 4 June 1979, and the receipt for the purchase price of P60,000.00 dated 19 June 1979. He asserted that from the date of his purchase, he has been in exclusive, continuous, open and public possession of said parcel of land.

Trial on the merits ensued which eventually resulted in the 28 October 2005 Decision of the RTC which is favorable to the petitioners. Thus:

IN VIEW OF THE FOREGOING, judgment is hereby RENDERED:

- (a) Declaring as null and void and without legal force and effect the "Kasulatan Ng Pagbibilang Tuluyan Ng Tumana" dated March 11, 1955 executed by Felipe Galvez in favor of Carmen Galvez; "Kasulatan Ng Pagbibiling Tuluyan Ng Tumana dated July 28, 1958, registered as Doc. No. 945; Page 59, Book

XXIV; Series of 1958 of Notary Public Fermin Samson executed by Carme[n] Galvez married to Luis Cruz in favor of Florentino San Luis; and "Kasulatan Ng Bilihang Tuluyan Ng Lupang Tumana" dated June 04, 1979 executed by Florentino R. San Luis married to Agripina Reyes in favor of defendant Reynaldo Santos de Belen, entered as Doc. No. 199; Page No. 41; Book No. 79; Series of 1979 covering 9,838 square meters of a parcel of land designated as Lot 1303-B per approved subdivision plan in Cad. Case No. 17, Record No. 788 submitted before the defunct CFI of Bulacan and granted in a Decision dated December 29, 1929;

- (b) Ordering the reconveyance of the disputed subject property in question including all improvements thereon as above-described by the defendant to the plaintiffs herein;
- (c) Ordering the defendant to pay plaintiffs the amount of P10,000.00 a month from March 06, 1998 with legal interest until the subject property is actually returned to the plaintiffs;
- (d) Ordering the defendant to pay plaintiffs the amount of P10,000.00 as attorney's fees;
- (e) Ordering the defendant to pay plaintiff's the costs of suit.^[14]

Aggrieved, respondent appealed to the Court of Appeals raising the issues on jurisdiction for failure of the petitioners to state the assessed value of the subject property, absence of evidence proving the lawful ownership of the petitioners and the grant of affirmative reliefs which were not alleged or prayed for.

On 11 February 2009, the Court of Appeals issued the assailed decision setting aside the decision of the RTC for want of jurisdiction and declaring further that the Amended Complaint must be dismissed.

Hence, the petition at bench seeking the reversal of the aforementioned decision.

The Issue

The core issue for resolution is whether or not the Court of Appeals committed reversible error in holding that the RTC did not acquire jurisdiction for failure to allege in the complaint the assessed value of the subject property.

Our Ruling

The general rule is that the jurisdiction of a court may be questioned at any stage of the proceedings.^[15] Lack of jurisdiction is one of those excepted grounds where the court may dismiss a claim or a case at any time when it appears from the pleadings or the evidence on record that any of those grounds exists, even if they were not raised in the answer or in a motion to dismiss.^[16] So that, whenever it appears that the court has no jurisdiction over the subject matter, the action shall be dismissed. This defense may be interposed at any time, during appeal or even after final judgment. Such is understandable, as this kind of jurisdiction is conferred by law and not within the courts, let alone the parties, to themselves determine or conveniently set aside.^[17]

A reading of both the complaint and the amended complaint shows that petitioners failed to state the assessed value of the disputed lot. This fact was highlighted by the Court of Appeals when it ruled:

Instant complaint for Recovery of Possession failed to specify the assessed value of the property subject matter of the action. "What determines the nature of the action as well as which court has jurisdiction over it are the allegations of the complaint and the character of the relief sought." (*Bejar, et. al. v. Caluag*, G.R. No. 171277, February 12, 2007). The allegations in the complaint and the relief sought by the party determine the nature of the action if the title or designation is not clear. The complaint, in the case at bar, is bereft of any allegation which discloses the assessed value of the property subject matter thereof. The court a quo therefore, did not acquire jurisdiction over instant action. The Amended Complaint does not state a valid cause of action.^[18]

Facially, the above disposition finds support from the provisions of Republic Act 7691 (RA 7691),^[19] the law in effect when the case was filed. Section 1 of RA 7691, amending Section 19 of *Batas Pambansa Bilang 129*, pertinently states:

"Section 1. Section 19 of Batas Pambansa Blg. 129, otherwise known as the "Judiciary Reorganization Act of 1980", is hereby amended to read as follows:

"Section 19. Jurisdiction in civil cases. – Regional Trial Courts shall exercise exclusive original jurisdiction.

"(1) In all civil actions in which the subject of the litigation is incapable of pecuniary estimation;

"(2) In all civil actions which involve the title to, or possession of, real property, or any interest therein, where the assessed value of the property involved exceeds Twenty thousand pesos (P20,000.00) or, for civil actions in Metro Manila, where such value exceeds Fifty thousand pesos (P50,000.00) except actions for forcible entry into and unlawful detainer of lands or buildings, original jurisdiction over which is conferred upon the Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts;

x x x x.

Thereby guided, the Court of Appeals no longer dwelt on the other issues and matters raised before it.

Jurisprudence has it that in a petition for review on *certiorari* under Rule 45 of the Rules of Court, only questions of law may be raised.^[20] As held in the case of *Solmayor v. Arroyo*,^[21] it is not the function of this Court to analyze and weigh evidence all over again. This is premised on the presumed thorough appreciation of